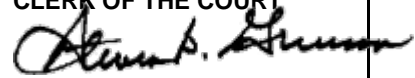


Exhibit 1

**NEOJ**

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*Attorneys for Plaintiffs***DISTRICT COURT****CLARK COUNTY, NEVADA**

BRETT HATTON, an individual; EARL CORONEL, an individual; AUTUMN WIND GLOBAL MULTI-STRATEGIES FUND, LP, a Delaware limited partnership; DAMON GERSH, an individual; JASON ECKENROTH, an individual; SHERRI R. SANDS, as Trustee of THE SHERRI R. SANDS REVOCABLE TRUST, a Florida trust; GLICKFIELD CAPITAL MANAGEMENT, LLC FBO M. GLICKFIELD DYNASTY TRUST, a Maryland trust; GLICKFIELD CAPITAL MANAGEMENT, LLC FBO CHERYL NEWMARK, a Maryland Trust; GLICKFIELD CAPITAL MANAGEMENT, LLC FBO MARLA SCHRAM, a Maryland trust; CARRICKFERGUS INVESTMENTS LIMITED, a British Virgin Islands company; STEPHANE CARNOT, as Trustee of the CARNOT FAMILY TRUST, a District of Columbia trust; DORSEY AND WHITNEY TRUST CO., LLC, as Trustee of the DYLAN TAYLOR 2011 GRANTOR TRUST, a South Dakota trust; ESECO, LLC, a Michigan limited liability company; SEURIS GROUP, LLC, a Michigan limited liability company; MATTHEW BRIGGS, as Trustee of THE BRIGGS MANAGEMENT TRUST; MICHAEL

CASE NO.: A-20-812651-B

DEPT NO.: XIII

**NOTICE OF ENTRY OF ORDER
DENYING SUPERSEDING MOTION TO
VACATE, ALTER, OR AMEND ORDER
GRANTING MOTION FOR
APPOINTMENT OF RECEIVER AND
REQUEST FOR EVIDENTIARY
HEARING FILED BY DEFENDANT
SUREFUNDING, LLC AND JOINDER
THERETO**

RUBENSTEIN, an individual; JUNE FARMER, an individual; THOMAS CARL MYERS, an individual; RICHARD L ROGERS, an individual; NEAL J. GLICKFIELD, as Trustee of the NEAL J. GLICKFIELD 2018 TRUST, a Maryland trust; LINEAGE, LLC, a Virginia limited liability company; CHARLES B. CHOKEL, as Trustee of the CHARLES B. CHOKEL TRUST U/A 4/21/92, a New Hampshire trust; BRIAN GRAY, an individual; HFJ INVESTMENTS I, LLC, a Texas limited liability company; PATRICIA B. JONES, as Trustee of the PATRICIA B JONES REVOCABLE TRUST, a Maryland trust; JOHN B. SHAW as Trustee of the JOHN B. SHAW 2012 FAMILY GRANTOR TRUST; and 1086 LLC, a Maryland limited liability company,

Plaintiffs,

v.

SUREFUNDING, LLC, a Delaware limited liability company;

Defendant.

PLEASE TAKE NOTICE that ORDER DENYING SUPERSEDING MOTION TO VACATE, ALTER, OR AMEND ORDER GRANTING MOTION FOR APPOINTMENT OF RECEIVER AND REQUEST FOR EVIDENTIARY HEARING FILED BY DEFENDANT SUREFUNDING, LLC AND JOINDER THERETO was entered on the 22nd day of July, 2020.

...

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...

...

1 A copy of said Order is attached hereto.

2 DATED this 22nd day of July, 2020.

3 BROWNSTEIN HYATT FARBER SCHRECK, LLP

4 BY: /s/ Travis F. Chance

5 ADAM K. BULT, ESQ., Nevada Bar No. 9332

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11 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** to be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 22nd day of July, 2020, to the following:

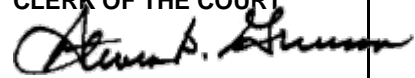
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LLP

**ODM**

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*Attorneys for Plaintiffs***DISTRICT COURT****CLARK COUNTY, NEVADA**

BRETT HATTON, an individual; EARL CORONEL, an individual; AUTUMN WIND GLOBAL MULTI-STRATEGIES FUND, LP, a Delaware limited partnership; DAMON GERSH, an individual; JASON ECKENROTH, an individual; SHERRI R. SANDS, as Trustee of THE SHERRI R. SANDS REVOCABLE TRUST, a Florida trust; GLICKFIELD CAPITAL MANAGEMENT, LLC FBO M. GLICKFIELD DYNASTY TRUST, a Maryland trust; GLICKFIELD CAPITAL MANAGEMENT, LLC FBO CHERYL NEWMARK, a Maryland Trust; GLICKFIELD CAPITAL MANAGEMENT, LLC FBO MARLA SCHRAM, a Maryland trust; CARRICKFERGUS INVESTMENTS LIMITED, a British Virgin Islands company; STEPHANE CARNOT, as Trustee of the CARNOT FAMILY TRUST, a District of Columbia trust; DORSEY AND WHITNEY TRUST CO., LLC, as Trustee of the DYLAN TAYLOR 2011 GRANTOR TRUST, a South Dakota trust; ESECO, LLC, a Michigan limited liability company; SEQRIS GROUP, LLC, a Michigan limited liability company; MATTHEW BRIGGS, as Trustee of THE BRIGGS MANAGEMENT TRUST; MICHAEL

CASE NO.: A-20-812651-B

DEPT NO.: XIII

**ORDER DENYING SUPERSEDING
MOTION TO VACATE, ALTER, OR
AMEND ORDER GRANTING MOTION
FOR APPOINTMENT OF RECEIVER
AND REQUEST FOR EVIDENTIARY
HEARING FILED BY DEFENDANT
SUREFUNDING, LLC AND JOINDER
THERE TO**

RUBENSTEIN, an individual; JUNE FARMER, an individual; THOMAS CARL MYERS, an individual; RICHARD L ROGERS, an individual; NEAL J. GLICKFIELD, as Trustee of the NEAL J. GLICKFIELD 2018 TRUST, a Maryland trust; LINEAGE, LLC, a Virginia limited liability company; CHARLES B. CHOKEL, as Trustee of the CHARLES B. CHOKEL TRUST U/A 4/21/92, a New Hampshire trust; BRIAN GRAY, an individual; HFJ INVESTMENTS I, LLC, a Texas limited liability company; PATRICIA B. JONES, as Trustee of the PATRICIA B JONES REVOCABLE TRUST, a Maryland trust; JOHN B. SHAW as Trustee of the JOHN B. SHAW 2012 FAMILY GRANTOR TRUST; and 1086 LLC, a Maryland limited liability company,

Plaintiffs,

v.

SUREFUNDING, LLC, a Delaware limited liability company;

Defendant.

This matter having come on for hearing before the Court on July 9, 2020 on Defendant SUREFUNDING, LLC's ("SureFunding") Superseding Motion To Vacate, Alter, Or Amend Order Granting Motion For Appointment Of Receiver and Request for Evidentiary Hearing filed by Defendant SureFunding, LLC (the "Superseding Motion") and Intervenor the NON-PARTY AD HOC COMMITTEE's (the "Intervenor") Joinder thereto,

Plaintiffs BRETT HATTON, EARL CORONEL, AUTUMN WIND GLOBAL MULTI-STRATEGIES FUND, LP, DAMON GERSH, JASON ECKENROTH, SHERRI R. SANDS, as Trustee of THE SHERRI R. SANDS REVOCABLE TRUST, GLICKFIELD CAPITAL MANAGEMENT, LLC FBO M. GLICKFIELD DYNASTY TRUST, GLICKFIELD CAPITAL MANAGEMENT, LLC FBO CHERYL NEWMARK, GLICKFIELD CAPITAL MANAGEMENT, LLC FBO MARLA SCHRAM, CARRICKFERGUS INVESTMENTS LIMITED, STEPHANE CARNOT, as Trustee of the CARNOT FAMILY TRUST, DORSEY AND WHITNEY TRUST CO., LLC, as Trustee of the DYLAN TAYLOR 2011 GRANTOR

1 TRUST, ESECO, LLC, SEURIS GROUP, LLC, MATTHEW BRIGGS, as Trustee of THE
 2 BRIGGS MANAGEMENT TRUST; MICHAEL RUBENSTEIN, JUNE FARMER, THOMAS
 3 CARL MYERS, RICHARD L ROGERS, NEAL J. GLICKFIELD, as Trustee of the NEAL J.
 4 GLICKFIELD 2018 TRUST, LINEAGE, LLC, CHARLES B. CHOKEL, as Trustee of the
 5 CHARLES B. CHOKEL TRUST U/A 4/21/92, BRIAN GRAY, HFJ INVESTMENTS I, LLC,
 6 PATRICIA B. JONES, as Trustee of the PATRICIA B JONES REVOCABLE TRUST, JOHN B.
 7 SHAW as Trustee of the JOHN B. SHAW 2012 FAMILY GRANTOR TRUST, and 1086 LLC
 8 (collectively, "Plaintiffs") having appeared by and through their counsel of record Travis F.
 9 Chance, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, and William J. Dorsey,
 10 Esq., of the law firm of Blank Rome LLP (admitted *pro hac vice*), SureFunding having appeared
 11 by its counsel of record Mark J. Connot, Esq. and Colleen E. McCarty, Esq., of the law firm of
 12 Fox Rothschild LLP, and the Intervenor having appeared by and through its counsel of record
 13 Aaron D. Shipley, Esq., of the law firm of McDonald Carano LLP,

14 The Court having considered the Superseding Motion, the Joinder, Plaintiffs' Opposition
 15 thereto and its associated exhibits, and SureFunding's Reply in Support of the Superseding
 16 Motion, the pleadings on file herein, and the arguments of counsel at the hearing, finds as
 17 follows:

18 1. On April 7, 2020, this Court entered its Decision granting Plaintiffs' Motion for
 19 Appointment of Receiver ("Decision") and directed the parties to submit a proposed form of
 20 receivership order.

21 2. On April 10, 2020, SureFunding submitted a Motion to Vacate, Alter, or Amend
 22 the Decision on Order Shortening Time to the Court. The Court set SureFunding's motion to
 23 vacate for hearing on April 20, 2020.

24 3. On April 13, 2020, this Court entered that certain Order Granting Motion for
 25 Appointment of Receiver ("Receiver Order"), appointing Michael Flanagan as receiver for the
 26 purposes of liquidating SureFunding. Notice of entry of the Receiver Order was filed and served
 27 that same day.

28 . . .

4. Before SureFunding's motion to vacate was heard, on April 14, 2020, SureFunding file a Chapter 11 bankruptcy petition in the U.S. Bankruptcy Court for the District of Delaware and invoked the automatic stay to stay these Nevada proceedings, including the hearing on its own motion to vacate.

5. On April 16, 2020, Plaintiffs moved the Delaware Bankruptcy Court to dismiss SureFunding's bankruptcy petition in favor of this proceeding.

6. Following a two day evidentiary hearing, the Delaware Bankruptcy Court issued a Bench Ruling and Order, concluding that SureFunding had failed to meet its burden of showing a good faith bankruptcy filing; finding that the "Nevada court provides the opportunity for an orderly wind down under an experienced and well qualified receiver"; suspending the Delaware bankruptcy proceedings; and lifting the stay to permit this Court to consider SureFunding's motion to vacate.

7. On June 5, 2020, SureFunding filed a superseding motion to vacate the Receiver Order ("Superseding Motion"). The Superseding Motion was fully briefed and set for argument on July 9, 2020.

8. Without objection, an *ad hoc* committee of additional noteholders was permitted to intervene and file a joinder ("Joinder") to the Superseding Motion. In connection with the briefing of the Superseding Motion and Joinder, Plaintiffs notified the Court that they had prepared a proposed, revised receiver order ("Proposed Order") clarifying that all noteholders, not just the Plaintiffs, will have input into receivership actions.¹

9. This Court has authority under NRS 32.010 to appoint a receiver over SureFunding and properly exercised that authority in appointing Mr. Flanagan. SureFunding admits that this Court has jurisdiction over it and that its principal place of business is in Nevada. This Court did not act beyond its authority in applying NRS 32.010 or in finding that Plaintiffs had made an adequate showing of potential risk of loss and material injury under NRS 32.010(1) in support of the appointment of a receiver. NRS 32.010(5) provides an additional basis for the

¹ See Notice of Non-Opp'n to the Non-Party Ad Hoc Committee's Mot. to Int., filed July 6, 2020, at Ex. A.

1 appointment of a receiver, as SureFunding admits it is insolvent and/or in imminent danger of
 2 insolvency. This fact is further evidenced by its filing of the Delaware bankruptcy petition.

3 10. The Court further finds that this action and Plaintiffs' motion to appoint a receiver
 4 are not barred by the Third Amended Note Purchase Agreement and Plaintiffs do not lack
 5 standing. NRS 32.010 gives any "creditor" the right to seek the appointment of a receiver. It is
 6 not a secured lender remedy and thus any prohibition in the Third Amended Note Purchase
 7 Agreement on exercising rights "with respect to the Collateral" do not apply to the relief
 8 requested here. Moreover, SureFunding failed to demonstrate that Plaintiffs here are actually
 9 seeking to exercise any rights with respect to the Collateral that would be otherwise prohibited
 10 under the Third Amended Note Purchase Agreement and further failed to demonstrate that each
 11 Plaintiff was a party to the Third Amended Note Purchase Agreement or is otherwise bound by its
 12 terms. The Court notes that the copy attached to the Superseding Motion is unsigned.

13 11. The Court also did not misapprehend the role of a CRO. Rather, the Court has
 14 concluded – and SureFunding has admitted – that it is in liquidation and that Mr. Flanagan is
 15 qualified to run that process. This is not a basis to vacate or reconsider the Receiver Order.

16 12. Finally, the Court did not misapply NRS 86.5411 to a Delaware LLC, as
 17 SureFunding contends in the Superseding Motion. The Court relied on NRS 32.010 to order the
 18 appointment of the receiver and pointed to NRS 86.5411 as a point of comparison only.

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1 Based upon the foregoing, the Superseding Motion and Joinder are hereby **DENIED** in
2 their entirety. Upon the Delaware Bankruptcy Court's entry of an order lifting the stay, this Court
3 will consider a revised form of receivership order to be provided by Plaintiffs.

4 **IT IS SO ORDERED.**

5 DATED this 22 day of July, 2020.



7 HON. MARK R. DENTON, District Court Judge

8 Respectfully Submitted By:

9 BROWNSTEIN HYATT FARBER SCHRECK, LLP

10 BY: /s/ Travis F. Chance

11 ADAM K. BULT, ESQ., Nevada Bar No. 9332

12 TRAVIS F. CHANCE, ESQ., Nevada Bar No. 13800

13 BLANK ROME LLP

14 WILLIAM J. DORSEY, ESQ. (admitted *pro hac vice*)

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16 *Attorneys for Plaintiffs*